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August 30, 2023

**VIA ECF**

The Honorable Madeline Cox Arleo, U.S.D.J.  
King Fed. Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: *Alkermes, Inc., et al. v. Teva Pharmaceuticals USA, Inc.*  
Civil Action No. 20-12470 (MCA)(MAH)

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Dear Judge Arleo:

This firm, together with Paul Hastings LLP, represents plaintiffs Alkermes, Inc. and Alkermes Pharma Ireland Limited in the above-captioned matter.

We are pleased to inform the Court that the parties have reached an amicable resolution of this matter. Accordingly, enclosed for Your Honor's consideration is a Stipulated Consent Judgment and Injunction, which, subject to the Court's approval, would dismiss this case. If the enclosed Stipulated Consent Judgment and Injunction meets with the Court's approval, we respectfully request that Your Honor sign it and have it entered on the docket.

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Charles M. Lizza".

Charles M. Lizza

Enclosure

cc: Hon. Michael A. Hammer, U.S.M.J. (via ECF)  
All Counsel (via email)

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ALKERMES, INC. and ALKERMES  
PHARMA IRELAND LIMITED,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No. 20-12470 (MCA)(MAH)

(Filed Electronically)

**STIPULATED CONSENT JUDGMENT AND INJUNCTION**

Whereas Plaintiffs Alkermes, Inc. and Alkermes Pharma Ireland Limited (together, “Plaintiffs”) and Defendant Teva Pharmaceuticals USA, Inc. (“Teva”) have agreed to resolution of this action,

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Teva, through their undersigned counsel of record, that:

1. In the event that the claims of U.S. Patent No. 7,919,499 (the “’499 Patent”) asserted against Teva are not held invalid or unenforceable, then, absent a license or other

authorization from Plaintiffs, the '499 Patent would be infringed by any unlicensed manufacture, sale, offer for sale, use, or importation in the United States of the generic product that is the subject of Teva's Abbreviated New Drug Application (the "Teva Product").

2. Teva and anyone acting on the behalf of Teva, except as expressly licensed by Plaintiffs, will be enjoined until expiration of the '499 Patent from (i) making, using, offering to sell, selling, or importing the Teva Product in the United States, and (ii) participating in the profits from making, using, offering to sell, selling, or importing the Teva Product in the United States, and (iii) indemnifying others with respect to any making, using, offering to sell, selling, or importing the Teva Product in the United States.

3. Notwithstanding any provision of the foregoing, Teva shall be entitled to contest the infringement, validity, and/or enforceability of the '499 Patent in any future litigation pertaining to any product that is not a generic VIVITROL product.

4. Each party will bear its own attorneys' fees and costs.

5. This Court will retain jurisdiction to enforce this Stipulated Consent Judgment and Injunction and the parties' resolution of this matter.

6. Plaintiffs acknowledge that Teva is entitled to maintain its Paragraph IV certification to the '499 Patent pursuant to 21 C.F.R. § 314.94(a)(12)(v) and this resolution has no impact on the final approval of Teva's ANDA.

7. The Clerk of Court is directed to enter this Stipulated Consent Judgment and Injunction.

Dated: August 30, 2023

SO STIPULATED:

s/ Charles M. Lizza

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s/ Liza M. Walsh

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*Attorneys for Defendant  
Teva Pharmaceuticals USA, Inc.*

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Hon. Madeline C. Arleo, U.S.D.J.